

CLOSED

U.S. District Court
Northern District of New York – Main Office (Syracuse) [LIVE – Version 5.0.3]
(Syracuse)
CIVIL DOCKET FOR CASE #: 5:98-cv-00370-NAM-DH

Long, et al v. US Dept. of Justice
Assigned to: Judge Norman A. Mordue
Referred to: Magistrate Judge David Hurd
Demand: \$0
Cause: 05:552 Freedom of Information Act

Date Filed: 03/02/1998
Date Terminated: 06/29/1999
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Susan Long
Transactional Records Access
Clearinghouse Syracuse University 488
Newhouse II Syracuse, NY 13244-2100

represented by **Colette G. Matzzie**
Public Citizens Litigation Group
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Plaintiff

David Burnham
Transactional Records Access
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Newhouse II Syracuse, NY 13244-2100

represented by **Colette G. Matzzie**
(See above for address)
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V.

Defendant

United States Department of Justice

represented by **William H. Pease**
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| Date Filed | # | Docket Text |
|------------|----|---|
| 03/02/1998 | 1 | COMPLAINT filed; FILING FEE \$ 150.00 RECEIPT # 35982 ; Service deadline 5/1/98 for US Dept. of Justice (fce) (Entered: 03/02/1998) |
| 03/02/1998 | | SUMMONS(ES) issued for US Dept. of Justice (fce) (Entered: 03/02/1998) |
| 03/02/1998 | | Filing Order Issued; Conference set before Magistrate Judge David N. Hurd in Syracuse, NY, Status Conference at 3:00 7/2/98 , Deadline for filing Case Management Plan, 6/22/98 (fce) (Entered: 03/02/1998) |
| 03/04/1998 | 2 | SUMMONS Returned Executed as to US Dept. of Justice through service upon the U.S. Attorney's Office (Michelle Sparkes) on 3/3/98: Answer due on 5/2/98 for US Dept. of Justice. (cdl) (Entered: 03/05/1998) |
| 03/09/1998 | 3 | SUMMONS Returned Executed as to US Dept. of Justice via certified mail on Janet Reno, Attorney General (Washington), and the Dept. of Justice (Washington) on 3/5/98: Answer due on 5/4/98 for US Dept. of Justice. (cdl) (Entered: 03/12/1998) |
| 04/01/1998 | 4 | ANSWER to Complaint by US Dept. of Justice (Attorney William H. Pease), Certificate of Service attached. (cdl) (Entered: 04/03/1998) |
| 04/30/1998 | 5 | MOTION by Susan Long, David Burnham for Filing of Vaughn Index , Hearing set for 10:00 6/11/98, Response Deadline 5/28/98, Reply to Response Deadline 6/4/98. Motion returnable before Judge/Mag. Judge: Hurd. Certificate of Service attached. (cdl) (Entered: 05/04/1998) |
| 04/30/1998 | | Motion(s) referred: [5-1] motion for Filing of Vaughn Index referred to Magistrate Judge David N. Hurd. (cdl) (Entered: 05/04/1998) |
| 04/30/1998 | 6 | AFFIDAVIT of COLETTE G. MATZZIE, ESQ. on behalf of Susan Long, David Burnham in SUPPORT of [5-1] motion for Filing of Vaughn Index. (cdl) (Entered: 05/04/1998) |
| 04/30/1998 | 7 | MEMORANDUM by Susan Long, David Burnham in SUPPORT of [5-1] motion for Filing of Vaughn Index. (cdl) (Entered: 05/04/1998) |
| 05/15/1998 | 8 | LETTER dated 5/13/98 from William Pease, Esq. to Judge Hurd confirming telephone conversation & stating his intention to file responsive papers on or before 5/28/98. (sal) Modified on 05/15/1998 (Entered: 05/15/1998) |
| 05/28/1998 | 9 | RESPONSE by US Dept. of Justice to [5-1] motion for Filing of Vaughn Index (sal) (Entered: 05/28/1998) |
| 05/28/1998 | 10 | Exhibits to Response to Motion [9-1]. (sal) (Entered: 05/28/1998) |
| 06/04/1998 | 11 | REPLY by Susan Long, David Burnham in FURTHER SUPPORT of [5-1] motion for Filing of Vaughn Index. Exhibits A-C attached. (cdl) (Entered: 06/05/1998) |
| 06/11/1998 | 12 | ORDER for Colette G. Matzzie, Esq., to Appear Pro Hac Vice on behalf of pltf's (signed by Magistrate Judge David N. Hurd 6/11/98) [served] (cbm) (Entered: 06/11/1998) |
| 06/11/1998 | | Pro Hac admission Fee Paid by Colette G. Matzzie, Esq.; FILING FEE \$ 30.00 RECEIPT # 38540 (cbm) (Entered: 06/11/1998) |
| 06/12/1998 | 13 | Minute entry: 6/11/98 Motion Calendar in Utica, New York before MJ Hurd. App. Colette Matzzie admitted pro hac vice for pltf, Wm. Pease & Michael Weinstein for deft [5-1] motion for Filing of Vaughn Index under advisement Court Reporter/ECRO: Tape (cmr) (Entered: 06/12/1998) |
| 06/18/1998 | 14 | Proposed Joint Civil Case Management Plan Submitted. Certificate of Service attached. (cdl) Modified on 06/18/1998 (Entered: 06/18/1998) |
| 07/07/1998 | 15 | ORDER granting plaintiff's [5-1] motion for Filing of Vaughn Index, on or before 8/7/98 , defendant shall provide plaintiff's attorneys with an index of the records and portions that have been withheld, describing each such record or portion of record withheld, and detailing the agency's claims for withholding such record or portion of a record, correlating each asserted exemption of the Freedom of |

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| | | Information Act with the material for which the deflt. claims the exemption applies. Defendant's motion for a stay of discovery is DENIED , Defendant's motion for a protective order is DENIED in part, and defendant is directed to respond to plaintiff's interrogatories and production of documents on or before 8/7/98 , Defendants motion for a protective order is GRANTED in part, and deflt. need not respond to plaintiff's requested admissions A summary judgement motion shall not be filed by the deflt. until completion of the above discovery (signed by Magistrate Judge David N. Hurd) (fce) (Entered: 07/08/1998) |
| 07/07/1998 | | Motion(s) no longer referred: [5-1] motion for Filing of Vaughn Index (cbm) (Entered: 12/10/1998) |
| 07/14/1998 | 16 | Responsive material concerning Freedom of Information Act of April 1998. originating out of WD/Kentucky and District of Minnesota, sent to Ms. Matzzie, Atty. (fce) (Entered: 07/14/1998) |
| 07/30/1998 | 17 | REQUEST and ORDER, reset Request for Production of Documents deadline to 9/18/98 for defendants to comply with request for production of Vaughn Index and response to interrogatories (signed by Magistrate Judge David N. Hurd) (fce) (Entered: 07/30/1998) |
| 08/05/1998 | 18 | Letter from plaintiff's counsel Colette G. Matzzie to Judge Hurd dated 8/3/98 re: responding to defendants request for extension of time to produce Vaughn index, plaintiff's did not oppose the requested extension of time but do not join in the characterizations in defendant's letter of 7/28/98 (fce) (Entered: 08/05/1998) |
| 08/05/1998 | 19 | Letter from Colette G. Matzzie, plaintiff's atty. to Judge Pooler and Judge Hurd dated 7/27/98 re: enclosed courtesy copy of complaint and motion for injunction from related case in Washington D.C. entitled Long, et al v Reno, et al #98-cv-1855. (fce) (Entered: 08/05/1998) |
| 08/10/1998 | 20 | DEFENDANTS' STATUS REPORT with attached Exhibits A- F by US Dept. of Justice. Since the July 7, 1998 order several events material to the issues before this court have taken place and this status report is meant to inform the court of such events. (fce) (Entered: 08/11/1998) |
| 12/04/1998 | 21 | Minute entry: 12/2/98 Discovery Teleconf. w/MJ Hurd. Parties granted permission to file formal motions to compel answers to interrogatories, production of Vaughn Index and protective order. Deadlines extended. Motions 3/15/99; Trial ready 5/1/99. Discovery motions must be filed by 12/16/98; response due 12/20/98; reply papers 1/6/99. Returnable 1/14/99 at 10 a.m. in Utica, New York. Parties to advise DNH regarding oral argument or not. App. Counsel of record. Order to be issued. Court Reporter/ECRO: None (cmr) (Entered: 12/07/1998) |
| 12/10/1998 | 27 | ORDER, Discovery motions (including motions for protective order) shall be filed and served on or before 12/16/98 , Answers shall be filed and served on or before 12/30/98 , Replies are to be filed and served on or before 1/6/99 , and motions are returnable 1/14/99 at 10:00 A.M. in Utica, NY Dispositive motions shall be filed and served on or before 3/15/99, Case is marked ready for trial as of 5/1/99 (signed by Magistrate Judge David N. Hurd) (fce) (Entered: 01/05/1999) |
| 12/16/1998 | 22 | MOTION by arry Richard A. Maroko, Esq. and Colette Matzzie, Esq. for Susan Long and David Burnham to Compel Discovery . Hearing set for 10:00 a.m. on 1/14/99. Response Deadline 12/31/98 Reply to Response Deadline 1/7/99. Motion returnable before Mag. Judge: Hurd (fce) (Entered: 12/17/1998) |
| 12/16/1998 | 23 | MEMORANDUM and Proposed Order by Susan Long, David Burnham in support of [22-1] motion to Compel Discovery (fce) (Entered: 12/17/1998) |
| 12/16/1998 | 24 | AFFIDAVIT IN SUPPORT by Colette G. Matzzie, Esq. with attached Exhibits A - O Re: [22-1] motion to Compel Discovery (fce) (Entered: 12/17/1998) |
| 12/16/1998 | 25 | AFFIDAVIT of Service Re: [24-1] affidavit, [23-1] support memorandum, [22-1] motion to Compel Discovery (fce) (Entered: 12/17/1998) |
| 01/04/1999 | 26 | MEMORANDUM by US Dept. of Justice in opposition to [22-1] motion to Compel Discovery with Exhibit A - C attached. Certificate of service attached. (jlm) Modified on 01/05/1999 (Entered: 01/05/1999) |

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| 01/05/1999 | 28 | REQUEST and ORDER, Response to Motion reset to 1/4/99 for [22-1] motion to Compel Discovery (signed by Magistrate Judge David N. Hurd) (fce) (Entered: 01/06/1999) |
| 01/06/1999 | 29 | REPLY IN SUPPORT OF MOTION TO COMPEL VAUGHN INDEX by Richard A. Maroko, Esq. and Colette G. Matzzie, Esq for Susan Long and David Burnham to response to [22-1] motion to Compel Discovery (jlm) (Entered: 01/07/1999) |
| 01/06/1999 | 30 | CERTIFICATE OF SERVICE by Colette G. Matzzie, Esq for Susan Long, David Burnham serving Reply on Motion to Compel Vaughn Index on Deft's atty by mail on 01/06/99. (jlm) (Entered: 01/07/1999) |
| 01/25/1999 | 31 | ORDER granting plaintiff's [22-1] motion to Compel Discovery,defendant to provide records within 15 days; granting plaintiff's request for Attorney Fees , set deadline for plaintiffs to file attorney fee motion to 2/12/99 (signed by Magistrate Judge David N. Hurd) (rjb) (Entered: 01/25/1999) |
| 02/03/1999 | 32 | REQUEST and ORDER, granting extension of the deadline for the filing by the government of its Vaughn Index until 2/12/99 (signed by Magistrate Judge David N. Hurd) (rjb) (Entered: 02/04/1999) |
| 02/10/1999 | 33 | NOTICE from Clerk's Office advising parties that action has been reassigned to Judge Mordue. (jat) (Entered: 02/10/1999) |
| 02/10/1999 | | CASE reassigned to Judge Norman A. Mordue (jat) (Entered: 02/10/1999) |
| 02/11/1999 | 34 | Vaughn Indexes filed by the government pursuant to the Order of the Court dated January 22,1999. (rjb) (Entered: 02/12/1999) |
| 02/12/1999 | 35 | MOTION/APPLICATION for Attorney Fees for Colette G. Matzzie by Richard A. Maroko. Motion returnable before Judge/Mag. Judge: Hurd (jlm) (Entered: 02/12/1999) |
| 02/12/1999 | 36 | AFFIDAVIT in SUPPORT by Colette G. Matzzie, Esq for Susan Long Re: [35-1] motion for Attorney Fees for Colette G. Matzzie with Exhibit A – B attached. (jlm) (Entered: 02/12/1999) |
| 02/12/1999 | 37 | CERTIFICATE OF SERVICE by Colette G. Matzzie, Esq for Susan Long of Motion for Attorney's Fees. (jlm) (Entered: 02/12/1999) |
| 02/18/1999 | 38 | MEMORANDUM OF LAW by William H. Pease, Esq for US Dept. of Justice in partial opposition to [35-1] motion for Attorney Fees for Colette Matzzie with certificate of service attached. (jlm) Modified on 02/18/1999 (Entered: 02/18/1999) |
| 02/18/1999 | 39 | DECLARATION of William H. Pease, AAG for US Dept. of Justice Re: In Partial Opposition to [35-1] motion for Attorney Fees for Colette G. Matzzie (jlm) Modified on 02/18/1999 (Entered: 02/18/1999) |
| 02/25/1999 | 40 | REPLY DECLARATION OF COLETTE G. MATZZIE in response to Deft's Partial Opposition to Plt's [35-1] motion for Attorney Fees for Colette G. Matzzie with Certificate of Service attached. (jlm) (Entered: 02/26/1999) |
| 03/09/1999 | 41 | CONSENT MOTION and PROPED ORDER by Colette G. Matzzie, Esq for Susan Long, David Burnham, and Richard A. Maroko, Esq for US Dept. of Justice for Modification of Schedule Motion returnable before Judge/Mag. Judge: Hurd (jlm) (Entered: 03/10/1999) |
| 03/09/1999 | 42 | CONSENT MOTION AND PROPOSED ORDER by Colette G. Matzzie, Esq for Susan Long, David Burnham, and Richard A. Maroko, Esq for US Dept. of Justice to Amend [1-1] complaint , and to Supplement Pleadings Motion returnable Mag. Judge Hurd with exhibits A–D attached. (jlm) Modified on 03/10/1999 (Entered: 03/10/1999) |
| 03/09/1999 | 43 | DECLARATION by Colette G. Matzzie, Esq for Susan Long, David Burnham in support of [42-1] motion to Amend [1-1] complaint with Exhibits A–D attached. (jlm) (Entered: 03/10/1999) |
| 03/09/1999 | 44 | CERTIFICATE OF SERVICE by Mail by Colette G. Matzzie, Esq for service of Consent Motions, Proposed Orders, Amended Complaint, And Declaration in Support served on 3/8/99 (jlm) (Entered: 03/10/1999) |

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| 03/11/1999 | 45 | ORDER granting [41-1] motion for Modification of Schedule, reset Motion Filing deadline to 4/15/99 and to be trial ready by 6/1/99. (signed by Magistrate Judge David N. Hurd) (rjb) (Entered: 03/11/1999) |
| 03/16/1999 | 46 | ORDER granting plaintiff's [35-1] motion for Attorney Fees for Colette G. Matzzie (signed by Magistrate Judge David N. Hurd) (rjb) (Entered: 03/17/1999) |
| 04/06/1999 | 47 | ORDER granting [42-1] motion to Amend [1-1] complaint, set Answer deadline to 4/21/99 for US Dept. of Justice (signed by Magistrate Judge David N. Hurd) (fce) (Entered: 04/06/1999) |
| 04/06/1999 | 48 | AMENDED COMPLAINT by Susan Long, David Burnham , Answer due 4/21/99 for US Dept. of Justice , , amends [1-1] complaint (fce) (Entered: 04/06/1999) |
| 04/09/1999 | 49 | ORDER, reset Dispositive Motion Filing deadline to 6/15/99 Trial ready by 8/1/99 (signed by Magistrate Judge David N. Hurd) (rjb) (Entered: 04/09/1999) |
| 06/15/1999 | 50 | Minute entry: 6/14/99 Settlement Teleconf. w/MJ Hurd. App. Michael Tankersley for pltf's, Wm. Pease & Douglas Frazier for def't. Parties indicate that action is SETTLED in principle. Proposed stipulation & consent order to be submitted to DNH by 6/21/99. Application for attys fees to be submitted post judgment, if necessary. Ct. to retain jurisdiction to determine attys fees upon submission of application. Court Reporter/ECRO: None (cmr) (Entered: 06/15/1999) |
| 06/28/1999 | 51 | STIPULATION of dismissal by Mimi Satter, Esq and Michael Tankersley, Esq for Pltf's; William Pease, AUSA, and Douglas Frazier, Esq for Def'ts. (signed by Judge Norman A. Mordue on 6/28/99). (jlm) (Entered: 06/29/1999) |
| 06/29/1999 | | Case closed (jlm) (Entered: 06/29/1999) |
| 08/30/1999 | 52 | STIPULATION of COMPROMISE SETTLEMENT AND ORDER OF DISMISSAL by William H. Pease, AUSA, Douglas Frazier, Esq, Mimi Satter, Esq, Michael Tankersley, Esq for pltf's. The US Justice agrees to pay the pltf's the sum of \$40,000.00. (signed by Judge Mordue) (jlm) (Entered: 09/01/1999) |